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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,110	07/11/2001	Arnaud Farizon	RCA 89215	7964

7590 03/11/2003
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EXAMINER
MACCHIAROLO, PETER J

ART UNIT	PAPER NUMBER
2875	

DATE MAILED: 03/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/889,110

Applicant(s)

FARIZON ET AL.

Examiner

Peter J Macchiarolo

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 21 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The reply filed on February 21, 2003 consists of changes to the claims, and further, the reply consists of remarks related to the prior rejection of claims in the First Office Action.

However, claims 1-3 are not allowable as explained below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

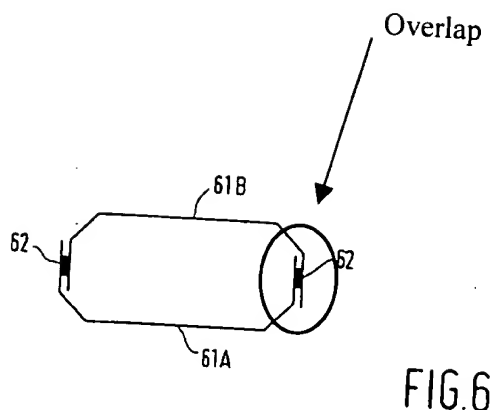
2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Eck (USPN 5,861,708; henceforth "Van Eck") in view of Matsuda et al. (USPN 5,574,330; henceforth "Matsuda").

In regards to claim 1, Van Eck discloses in figures 2 and 6, an electron gun comprising at least one cathode (22) for emitting an electron beam; a dish-shaped control electrode (21) with a planar part (27) and at least one aperture (not labeled) for the passage of the electron beam. Van Eck further discloses in figure 4b, at least two metal components forming a lateral skirt (33a, 33b) which at least partially surrounds the cathode, and the ends of the two components overlap at least partially in such a way to tailor the length of the overlap to adjust position of the two components one with respect to the other (below), and the two components being shaped to one another at the points of overlap.

Van Eck is silent to a means for supporting the cathode so as to keep the cathode at a specified distance from the control electrode.

However, Matsuda teaches in column 5, lines 50-53, and figure 1d, that a projection (1e) is formed at the control electrode's corner portion in such a manner as to project away from the other electrode element. Matsuda further teaches in column 5 lines 54-67, and column 1 lines 5-9, that many variations are acceptable for supporting the cathode at a specified distance from the electrode, and this configuration reduces deformation on an electrode during assembly.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the electron gun of Van Eck, including a means for supporting the cathode so as to keep the cathode at a specified distance from the electrode, since Matsuda teaches this configuration reduces deformation on an electrode during assembly.



In regards to claims 2 and 3, Van Eck in view of Matsuda teach all of the recited limitations of claim 1 (above).

Van Eck teaches in figure 1 a cathode ray tube comprising the electron gun.

Van Eck is silent to the cathode support being secured to a lateral skirt.

However, Matsuda teaches in column 1 lines 5-9 and figure 1b, that the cathode support is secured a lateral skirt, and this configuration reduces deformation on an electrode during assembly.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the electron gun of Van Eck, including the cathode support of Matsuda, since Matsuda teaches this configuration reduces deformation on an electrode during assembly.

Response to Arguments

2. Applicant's arguments filed February 21, 2003 have been fully considered but they are not persuasive.

First, the Applicant suggests that Van Eck does not disclose a control electrode with "overlap between the two folded portions" of the skirt. However, the Examiner respectfully refers the Applicant to figure 6 and column 3 lines 37-55 of Van Eck. In figure 6, two metal components forming a lateral skirt (33a, 33b) which at least partially surrounds the cathode, and the ends of the two components overlap at least partially in such a way to tailor the length of the overlap to adjust position of the two components one with respect to the other, and the two components being shaped to one another at the points of overlap.

Second, the Applicant suggests that "Matsuda discloses that each electrode includes only one metal component." The Examiner appreciates the suggestion, however, respectfully refers the Applicant to page 5 of the First Office Action at 8 and page 3 of this Office Action at 2:

"Van Eck discloses in figures 2 and 6, an electron gun comprising...a dish-shaped control electrode (21) with a planar part...and at least two metal components forming a lateral skirt (33a, 33b)"

Further, the Examiner respectfully refers the applicant to figures 1a and 7a of Matsuda. Reference numerals 4-1 and 4-2 denote electrode elements, and a bottom portion (1-2b) can be seen in figure 1a.

Therefore, it is respectfully submitted that instant Claim 1 is not patentable over Van Eck in view of Matsuda because Van Eck teaches at least two metal components forming the lateral skirt overlap in such a way to tailor the length of the overlap to adjust the position of the two components one with respect to the other.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

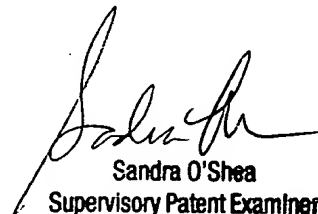
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Macchiarolo whose telephone number is (703) 305-7198. The examiner can normally be reached on 7.30 - 4:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

pjm
February 28, 2003


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800